IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO.16 OF 2003

Evershine Educatrion Trust & ors. Petitioners
vs.
M/s.Jangid Builders PVt.Ltd. Respondents

Ms.Gauri Godse for the petitioners.

Ms.Anjali Trivedi for Mr.Vinod Thakker for the respondents.

CORAM : B.H. MARLAPALLE,J.

DATED : 19th August 2005

P.C.

Heard Ms.Godse, the learned counsel for the applicants. The applicants have prayed for transfer of civil Appeal No.87/2002 along with cross-objections filed therein and presently pending in the Court of the learned District Judge, Thane for being heard and decided along with First Appeal (Stamp) No.42118/2002 pending before this Court.

2. Ms.Godse, the leaned counsel for the applicants further states that the First Appeal (Stamp) No.42118/2002 came to be numbered as First Appeal No.1771/2002 and the same has been admitted by this Court vide order dated 13th December 2002.

3. It is submitted by the learned counsel for the

applicants that both the appeals are required to be heard together as the issues involved are interconnected and more particularly two different suits i.e. Reg.Civil Suit No.582/98 and Special Civil Suit No.233/97 were decided by a common judgment dated 9th January 2002 rendered by the Joint Civil Judge, Senior Division.

4. Hence, the application is allowed in terms of prayer (a). Writ to go to the District Court at Thane forthwith.

(B.H. MARLAPALLE,J.)